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Joint written statement* submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status, the Union of Arab Jurists, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Towards Accountability and Justice for Iraq**

Introduction *

Justice for war crimes and crimes against humanity is an essential element of building respect for human rights world-wide. Certain crimes, such as genocide, war crimes, crimes against humanity, torture, "disappearance" and extrajudicial executions, are so serious that they amount to an offence against the whole of humanity and, therefore, all states have a responsibility to bring those responsible to justice.[1]

The principle is reflected in numerous international documents, including the preamble to the Rome Statue of the International Criminal Court (ICC) Statute, which provides: 'Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation', reaffirming "the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State".[2]

Universal jurisdiction hence is a main principle of bringing perpetrators of grave crimes to justice, no matter where the crime was committed and regardless of the nationality of the perpetrators or their victims. Although however there is a broad consensus on these fundamental purposes and principles of the United Nations charter, there is rising criticism about the effectiveness of the international community's and United Nation's policy, in view of numerous failures of the international community during the past decades.

Among these important failures was certainly the inability of the United Nations to prevent the illegal war and subsequent occupation of Iraq in 2003. Moreover, the accountability for these actions was not ensured by bringing the perpetrators from the occupying powers to justice and providing the victims with respective reparation. It is however a grave danger to the credibility of the international community, if great powers are getting away with impunity for their own grave violations of international law.

One of the main reasons for such inconsistencies is double standards in the pursuit of justice.

The recent calls by the USA for sanctions on basis of other countries violations of principles on non-use of force stands in dire contrast to the lack of accountability for its own war crimes against the people of Iraq, whose suffering continues until this day.

The damage inflicted on Iraq

It is extremely difficult to measure all the damage inflicted on Iraq and the suffering of the Iraqi people as a result of the invasion and occupation. Various estimations suggest figures to be up to 1 or 2 million Iraqi civilian died as a result to the US invasion and occupation[3], not to forget the almost 5 million children who have lost a parent and about estimated 5 million internally and externally displaced (up to20% of the Iraqi population) who often live in dire conditions of extreme poverty and are subjected to multiple displacements. [4]

Amid the worrying figures is the number of missing people as a result of the war. Different estimations range from 250.000 up to one million[5], among them over 90.000 children[6]. Thousands of families were left alone by both, the US

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* This report prepared by Geneva International Centre for Justice (GICJ)

1http://www.amnestyusa.org/sites/default/files/pdfs/ij_handbook_fall_2010_final.pdf

2http://www.iccnow.org/documents/rome-e.pdf

3The guardian, 7 February 2014, "The truth about the criminal bloodbath in Iraq can't be 'countered' indefinitely" http://www.theguardian.com/commentisfree/2014/feb/07/west-criminal-bloodbath-iraq-media-cover-up?CMP=fb_gu

4 A report issued by the International Red Cross in 2009 noted that the number of missing in Iraq has reached one million people.

5 A report issued by the International Red Cross in 2009, noted that the number of missing in Iraq has reached one million people

and the Iraqi government, in the search for their relatives, whose names have forever vanished[7] in the chaos of war and occupation, during which targeted attacks, arbitrary arrests and extrajudicial executions occurred on a regular scale and continue under the current government until this day[8].

Before the war, women in Iraq made important advances in regards to access to education, health care, family rights, the right to serve in the government and active involvement in the political life and economic sphere. The US-invasion and occupation of Iraq worsened the situation of women, which has already deteriorated during the UN sanctions. A wave of sexual violence and abductions against women in Baghdad following the invasion was reported.[9] Many women were taken hostage, tortured, and sexually abused. One of the most known crimes in this regard is the Mahmudiya killings, the gang rape and murder of a 14 year old girl by the US soldiers in Iraq in March 2006.

Among the insidious consequences of the Invasion is the disastrous situation of the Iraqi judicial system. In 2014 arbitrary arrest, denial of due process, torture and mistreatment are still the norm rather than the exception and execution rates have risen to record heights. The targeting by military forces of civilians in campaigns of arbitrary arrests, torture and abuse in prisons is widespread and mass executions occur on a regular scale. The situation reflects the failure of the US and UK to hold their troops accountable for abuses in detention and extra judicial killings. The impunity with which these forces operated has paved the way for the current government to make excuses for abuses, failure of law and order, and lack of accountability.

The invasion has further destroyed the country's infrastructure. This can be seen in the collapse of public services since the invasion and occupation. The war devastated Iraq's electrical infrastructure, oil industry, irrigation network, bridges, roads, airfields, communication systems, factories, and ports. In 2014 about 23 percent of Iraq's estimated 30 million people live under the poverty line and 600.000 orphans live in the streets. Prior to the invasion, the Iraqi health and educational systems were considered to be among the most advanced in the region. Prior to the invasion a centralized system of healthcare enabled the entire Iraqi population to access free healthcare and the country's immense oil reserves were used to pay for medication and medical equipment, as well as for foreign healthcare workers.

Corruption in Iraq has played another significant role in the devastation of the Iraqi society and lives of its citizens. The mechanisms for and the practice of the culture of corruption were introduced by the US representative in Iraq, and have been improved and fully institutionalized by Maliki and his government. Iraq has been completely overtaken by this plague. It is now one of the most corrupt countries in the world. According to a statement byte (official) Iraqi Integrity Commission dated on 31 March 2014, the total of Iraqi funds which was smuggled out of Iraq since the invasion reached one trillion and fourteen million US dollar (in figures it is 1000.014.000000)[10]. This mass theft was accompanied and facilitated by protection and impunity. All 'persons' and 'entities' involved in the reconstruction of Iraq's economy were granted formal legal immunity by the American government, including with regards to the Development Fund for Iraq and "all Iraqi petroleum and petroleum products."[11]

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[6] In 2009 about 20% of internally displaced and 5% of refugee returnee reported children to be missing. Many communities reported missing family members (30% of IDPs, 30% of IDP returnees, 27% of refugee returnees) indicating that they were missing because of kidnappings, abductions and detentions and that they do not know what happened to their missing family members. http://www.uniraq.org/documents/UNHCR%20Iraq%20Protection%20Monitoring%20%20Jan-Oct%202009.pdf

[7] Compare: Restoring Names to War's Unknown Casualties
http://www.nytimes.com/2010/08/31/world/middleeast/31legacy.html?_r=2&hp

[8] A member of the current Iraqi parliament estimated the number of these prisons to be more than 420
http://www.brusselstribunal.org/pdf/NGOs_FULL_REPORT_UPR.pdf
Compare also: Secret Jail uncovered in Baghdad, *the guardian*, Feb. 2011, source, Human Rights Watch
http://www.hrw.org/news/2011/02/01/iraq-secret-jail-uncovered-baghdad

[9] Human Rights Watch (2003) athttp://www.hrw.org/reports/2003/07/15/climate-fear-0

10 According to the statement, Mr. Mohammed Ali, Director General of the Department to recover the funds in the Integrity Commission, for "Alsumaria News" http://www.alsumaria.tv/news/96644/%D8%A7%D9%84% %D8%AC/ar

11 George W. Bush, Executive Order 13303 of May 22, 2013, Protecting the Development Fun for Iraq and Certain Other Property in Which Iraq Has an Interest, Federal Register Vol. 68, No. 102 at: http://www.treasury.gov/resource-center/sanctions/Documents/13303.pdf

Also the environment fell victim to the catastrophic war and occupation and the use of unlawful weapons. In a serious breach of the international law, the coalition forces used thousands of tons of white phosphorous[12] and depleted uranium ammunition during the war, which contain high levels of radiation and toxics that have dangerous and enduring health-related effects. The dark consequences of this grave disregard for the law and human life have been materializing at a rapid rate over the past few years in the form of horrific physical deformities and illnesses, yet remain largely ignored by the international community. Calculations indicate that the inhalation of depleted uranium dust from the weapons used in Iraq may cause an additional 3 million deaths, which is approximately 11% of the country's total population of 27 million.[13]

An upsetting number of birth defects ranging from congenital heart defects to brain dysfunctions and malformed limbs have been reported. There is also a huge number of miscarriages and cancer cases. According to gynecologists, pediatricians and neurologists in Fallujah the numbers of these cases have been increasing rapidly since 2005.[14]More disturbingly, they appear to be occurring at an increasing rate in children born in Fallujah. Similar defects have been found among children born in Basra after British troops invaded, according to the new research.[15]

Iraq eleven years after the invasion

The continuous deterioration of justice, police and security system and the immense corruption of the Iraqi government after the invasion have led to a total absence of security for the Iraqi people. Fear of rape and abduction keeps women in their homes, out of schools and away from work. About 8,868 people were killed in violence in 2013, Iraq's highest annual death toll in five years. The sectarian policy pursued by the Iraqi government includes alarmingly increasing number of target killings of opposition and records level of execution rates. Peaceful protests face massive arbitrary arrests and manslaughter, protesters camps fall under serious military attack.

The situation found a new peak in the escalation of the violence in the province of al-Anbar beginning at the turn of the year 2013/ 2014. According to UN figures the total number of displaced families stand at 72,325. The UN representative in Iraq is near silent, the varying Ambassadors in Iraq however are silent, including those of the US and UK, whose actions and lies about fictional "weapons of mass destruction" are responsible for the ongoing, daily carnage. Deaths in Anbar Province are now being excluded from Iraq government statistics.[16] According to the hospital in Fallujah the total civilian casualties since the beginning of war against Anbar Province so far, are 1,296 wounded and 295 killed, however normal services such as clean water, constant electricity are non-existent. Given the power interruptions and tense situation, the full numbers are incomplete.

Conclusion

The US led invasion and occupation of Iraq in 2003 was unquestionably an act of aggression for which no justification of self-defense existed. The prohibition of use of force and against acts of aggression is at the core of the UN Charter and is also reaffirmed in article 5 of the Rome statute of the ICC.

12 The US has admitted that it used phosphorous bombs in Iraq, although it denies that it was used against civilians at http://www.thetimes.co.uk/tto/news/world/middleeast/iraq/article1993511.ece

13 Depleted Uranium –Far Worse Than 9/11", Doug Westerman, Global Research, 3 May 2006 at: http://www.globalresearch.ca/depleted-uranium-far-worse-than-9-11/2374

14 "Humanitarian Disaster In Fallujah: Unprecedented Numbers of Birth Defects, Miscarriages and Cancer Cases" at:http://www.globalresearch.ca/humanitarian-disaster-in-fallujah-unprecedented-numbers-of-birth-defects-miscarriages-and-cancer-cases/18646

15 Iraq records huge rise in birth defect", The Independent at: http://www.independent.co.uk/life-style/health-and-families/health-news/iraq-records-huge-rise-in-birth-defects-8210444.html

16 http://www.globalresearch.ca/iraq-sixty-nine-days-in-fallujah-general-hospital-emergency-department/5380996

Serious crimes that attract the application of universal jurisdiction are captured within the principle of *jus cogens* from which there can be no derogation by any State. Impunity cannot be allowed to thrive at the expense of respect for international law.

It is past time that the injustice inflicted on the Iraqi people will be addressed. The people of Iraq are entitled to a measure of satisfaction in the form of an official apology from all States that participated in the so-called "coalition of the willing". Compensation should include rebuilding the Iraqi infrastructure, government institutions, schools and private property that were bombed or damaged during war and under occupation, an environmental clean-up, undertaken and financed by the coalition of the willing, that is responsible for the use of depleted uranium and other toxic agents that are susceptible to the worrying increase of cancer and birth defects.

Those responsible for the invasion must further offer financial and political support to refugees. Missing and disappeared persons must be located. Torture, arbitrary arrests, forced disappearances, trafficking of persons, moral and physical harm and the use of illegal weapons must be ended. Human rights abuses inflicted on the Iraqi people are still present in the country and must be monitored. Violations committed during the war and invasion must be uncovered and prosecuted. All countries, including the US should ratify the statue of the International Criminal Court and serious cases must be referred to the Court for investigation and prosecution. A United Nations Compensation Commission for the Iraqi victims should be established, and finally an UN Special Rapporteur for Iraq be appointed.

The NGOs signatories to this statement call on the United Nations in general and the Human Rights Council in particular to:

- Ensure that all human rights violations in Iraq during the sanction and the invasion and occupation be investigated by an international independent body.

- Undertake all measures possible to end the current state of impunity within Iraq and with regard to the culpability and responsibilities of the occupying powers.

- Appoint a UN Special Rapporteur for the Human Rights situation in Iraq.

- Request the High Commissioner to present to the Council a detailed report on the Human Rights violations in Iraq since 2003.

** Geneva International Centre for Justice (GICJ), BRussels Tribunal, Arab Lawyers Association- UK, Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Warscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org,

Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in the Islamic Republic of Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista-Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGO(s) without consultative status, also share the views expressed in this statement. NGO(s) without consultative status, also share the views expressed in this statement.